

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**JASON RIGNEY,**  
    **Petitioner,**

**v.**

**BETH CABELL,**  
    **Respondent.**

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**Civil Action No. 7:21cv479**

**By: Joel C. Hoppe**  
**United States Magistrate Judge**

**OPINION AND ORDER ON MOTION TO TOLL STATUTE OF LIMITATIONS**

Petitioner Jason Rigney, a Virginia inmate proceeding *pro se* in this action pursuant to 28 U.S.C. 2254, has filed a “Motion to Toll or Extend the Time to File 28 U.S.C. § 2254 Habeas Petition,” (ECF No. 7) in which he alleges that state action has obstructed his ability to file. The motion was filed simultaneously with his § 2254 petition. It appears that his state habeas petition may not have been timely filed, but the federal court has no jurisdiction to extend the state statute of limitations.

Because the § 2254 petition has already been filed and appears to be timely, based upon the dates provided in the petition, the motion to toll the statute of limitations is moot and the court need not decide the issue. Accordingly, the motion is **DISMISSED** as moot.

ENTER: March 16<sup>th</sup>, 2022

/s/ Joel C. Hoppe  
United States Magistrate Judge